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GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Education

Notification

ACAD/MISC-41/93

The following draft amendment which is proposed to be made to the Goa, Daman and Diu School Education Rules, 1986, is hereby published as required by sub-section (1) of section 29 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985), for information of all persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft amendment may be forwarded to the Director of Education and ex-officio Joint Secretary to the Government of Goa, Panaji, before the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by section 29 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985), the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa School Education (Amendment) Rules, 1996.

(2) They shall come into force at once.

2. *Substitution of rule 34.*— For rule 34 of the Goa, Daman and Diu School Education Rules, 1986, the following shall be substituted, namely:—

(Rule) "34.— *Absorption of surplus employees, etc.*— (1) Where, as a result of the closure of an aided school or any class/classes or divisions in any aided school, any employees

become surplus, the names of such employees shall be maintained on a surplus panel list to be prepared by the Education Department. The list shall be circulated for consideration for absorption amongst those schools projecting vacancies for which the said surplus employees have the requisite qualifications:

Provided that the said aided school shall not be eligible for claiming any salary grant for the surplus employee from the date of order by the School Management declaring an employee surplus:

Provided further that the absorption in the aided schools of any employee who has become surplus shall be subject to (i) availability of a vacancy (ii) the concerned employee possessing the requisite qualifications for the post (iii) the employee not having been retrenched by the management of the aided school on any ground other than the ground of closure of the school or classes of the school:

Provided also that where any such surplus employee is absorbed in an aided school, he shall be treated as junior to all the persons of the same category employed in the aided school on the day immediately preceding the date on which he is so absorbed.

(2) While terminating the services of teachers under the preceding rule, the following principles shall be observed:—

(a) in the case of reduction in the number of classes/divisions at the Higher Secondary stage, i. e. Standards XI and XII, the services of the junior most teachers in the subject/faculty concerned shall be terminated;

(b) in the case reduction at the High School stage, i.e. Standards VIII-X, the services of the junior most teacher in the category of graduate teachers shall be terminated;

(c) in the case reduction at the Middle stage, i. e. V-VII, the services of the junior most teachers in the category of under graduate/S.S.C. trained teachers shall be terminated;

(d) in the case of reduction at primary stage i.e. Standards I-IV, the services of the junior most primary teacher shall be terminated;

(e) if there are some teachers who entered the service as undergraduate/S.S.C. trained teachers and have been placed in the graduate category on improving qualifications, and if the situation demands that their services are required to be terminated, they shall be given an option to go back to their original category of undergraduate teachers, and on their doing so, the services of the junior most undergraduate teacher shall be terminated;

(f) in case the management runs more than one school having services of the employees transferable and having common seniority, the retrenchment/termination shall be done by following the principle of common seniority for all the schools together, in case surplus employees cannot be absorbed in any of the schools/institutions under the same management.

(3) Where any surplus employee is absorbed under sub-rule (1),—

(a) the salary and other allowances last drawn by him at the school from which he has become surplus shall be protected;

(b) the Provident Fund Account shall be transferred to the school in which he is so absorbed, and thereupon such Provident Fund shall be governed in accordance with the rules and regulations in force in that school, in relation to Provident Funds; and

(c) the period of his qualifying service in the school in which he had worked before such absorption and any previous period

of qualifying service, if any, in any recognised aided school in the State of Goa shall be taken into account for the purpose of computing his pension and other retirement benefits.

(4) Without prejudice to the provisions of sub-rules (1), (2) and (3), where an employee become surplus by reason of the closure of any class or section thereof or the discontinuance of the teaching of any subject, and if any new class or section thereof is opened by such school or if the subject, teaching of which was discontinued, is re-introduced by such school or strength of the teaching staff of the former school is increased time thereafter, such an employee shall be re-absorbed in the former school, provided such re-absorption taken place within a period of 3 years from the date of being declared surplus.

(5) Re-absorption of an employee in the former school shall not affect his continued service or his seniority in relation to that school or his emoluments, Provident Fund, gratuity and other retirement benefits.

Explanation: (i) For the purpose of sub-rules (4) and (5), "former school" means the school from which an employee had become surplus.

(ii) This rule shall not apply to unaided minority schools."

By order and in the name of the Governor of Goa.

Renu Sharma, Director of Education and Ex-Officio Joint Secretary to Government of Goa.

Panaji, 15th January, 1997.